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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

PART 372—SECURITY SERVICING AND LIQUIDATIONS; FARM OWNERSHIP LOANS

SUBPART A—GENERAL SECURITY SERVICING

Sections 372.2 and 372.3 in Title 6, Code of Federal Regulations (13 F. R. 9458, 9459), are amended to read as follows:

§ 372.2 *Delegation of authority.* Subject to the policies and procedures prescribed in §§ 372.1 to 372.11 with respect to direct Farm Ownership loans and insured loans which have been assigned to the Government:

(a) The State Director is authorized to:

(1) Approve grant of easements and rights-of-way by a borrower.

(2) Approve sale or exchange of portion of farm.

(3) Approve sale or exchange of water rights.

(4) Approve sale or lease of mineral rights owned by a borrower.

(5) Assign, without recourse, Farm Ownership notes and security instruments.

(b) The State Director or his delegate is authorized to:

(1) Determine when it appears that a borrower can secure refinancing credit and require refinancing when other acceptable credit is available.

(2) Approve a lease by, or to lease on behalf of, a borrower.

(3) Execute a caretaker's agreement.

(4) Make or authorize the advance of funds on behalf of a borrower and charge the amount to the borrower's Farm Ownership account.

(5) Approve the sale of a farm outside the program.

(c) The State Field Representative is authorized to:

(1) Consent to the construction or alteration of buildings other than planned when the labor and material cost will exceed $500 and is paid by the borrower.

(2) Approve the sale or exchange (including removal) of timber when the proceeds of the sale or sales within a 12-month period will exceed $100.

(3) Approve the sale (including removal) of sand, gravel, stone, or coal which the borrower owns when the proceeds of the sale or sales within a 12-month period will exceed $100.

(d) The County Supervisor is authorized to:

(1) Consent to the construction or alteration of buildings other than planned when the labor and material cost will not exceed $500 and is paid by the borrower.

(2) Approve the sale or lease of naval stores.

(3) Approve the sale or exchange (including removal) of timber when the proceeds of the sale or sales within a 12-month period will not exceed $100.

(4) Approve the sale (including removal) of sand, gravel, stone, or coal which the borrower owns when the proceeds of the sale or sales within a 12-month period will not exceed $100. (Sec. 41 (i), 60 Stat. 1066, 7 U. S. C. 1015 (i)) [FHA Instruction 465.1]

§ 372.3 *Refinancing with respect to loans made on and after November 1, 1946.* The Bankhead-Jones Farm Tenant Act, as amended, and the security instruments executed on or after November 1, 1946, require the borrower, upon request of the Secretary, to apply for and accept a loan in sufficient amount to repay the secured indebtedness. Each year following completion of the checkout, the County Supervisor will review all outstanding direct and insured Farm Ownership loans made on or after November 1, 1946, and will present for consideration of the County Committee those loans on which 35 percent or more of the principal of the loan has been repaid. The County Committee will consider and make its recommendation as to those borrowers who it believes may be able to secure other financing on reasonable rates and terms prevailing in the community but not to exceed the interest rate of 5 percent. Before making its recommendation, the County Committee may deem it advisable to make a preliminary check in the area to determine if such credit appears to be available. Their findings will be included in their recommendation to the State Director. Each borrower who the County Committee believes may be able to secure such refinancing shall be notified by a letter from the County Supervisor to attempt to secure other financing and to report

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the results of his efforts to the County Supervisor within 60 days. In the case of an insured loan, a copy of the letter will be forwarded to the holder of the mortgage (deed of trust). At the expiration of the 60-day period, the County Supervisor will submit to the County Committee a list of those borrowers who have reported that other financing is available, a list of those who have reported that other financing is not available, and a list of those borrowers who have not responded to the letter. Borrowers who are able to secure other financing will be instructed to proceed and their cases will be handled in the same manner as repayments of loans in full. The County Committee will recommend to the State Director the action which should be taken with respect to

borrowers who reported that they are unable to secure other financing and the borrowers who failed to respond to the County Supervisor's letter. The State Director will determine whether to give the borrower another opportunity to refinance, to assist in locating other lenders who might refinance the borrower's indebtedness, or to proceed with liquidation of the borrower's security. The State Director will take into consideration the progress the borrower has made, his continued need for supervision and whether his failure to secure other financing demonstrates a lack of good faith. In any case where the borrower has not attempted in good faith to secure other financing when it appears that other financing is available, and that with such other financing the borrower is likely to succeed in the repayment of the refinanced balance, the State Director will proceed with the liquidation of the security. (Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets and applies secs. 3 (b) (6) and (7), 12 (c) (4), 42 (d), 44 (c), 60 Stat. 1074, 1075, 1076, 1067, 1069; 7 U. S. C. 1003 (b) (6) and (7), 1005b (c) (4), 1016 (d), 1018 (c)) [FHA Instruction 465.1]

Dated: April 4, 1949.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: April 22, 1949.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-3317; Filed, Apr. 27, 1949; 8:52 a. m.]

PART 372—SECURITY SERVICING AND LIQUIDATIONS; FARM OWNERSHIP LOANS

SUBPART F—SALE OF FARMS NOT SUITABLE FOR PURPOSES OF TITLE I

Section 372.102 in Title 6, Code of Federal Regulations (13 F. R. 9470), is amended to read as follows:

§ 372.102 *Delegation of authority.* Subject to the policies and procedures contained in §§ 372.102 to 372.109 and in §§ 372.81 to 372.84, with respect to acquired farms, or parts thereof, determined not to be suitable for the purposes of title I:

(a) The State Director is authorized to:

(1) Accept or reject bids and negotiate for the sale of such farms, or parts thereof.

(2) Execute deeds and other instruments necessary in connection with such sales.

(b) The State Director or his delegate is authorized to:

(1) Procure, and approve vouchers in payment of, appraisals of such farms, or parts thereof.

(2) Invite bids or solicit offers in connection with the sale of such farms, or parts thereof. (Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i)) [FHA Instruction 465.6]

Dated: April 4, 1949.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: April 22, 1949.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-3316; Filed, Apr. 27, 1949; 8:52 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1948 C. C. C. Wheat Bulletin 1, Supp. 2, Amdt. 4]

PART 671—WHEAT

SUBPART—1948 WHEAT LOAN PROGRAM

Correction

Federal Register Document 49-3223, appearing at page 2043 of the issue for Tuesday, April 26, 1949, should be designated "Amdt. 4" rather than "Amdt. 3" to 1948 C. C. C. Wheat Bulletin 1, Supp. 2, as set forth above.

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

MISCELLANEOUS AMENDMENTS

1. Effective May 1, 1949, Part 220 is hereby amended in the following respects:

a. The second paragraph of § 220.3 (b) is amended to read as follows:

A transaction consisting of a withdrawal of cash or registered or exempted securities from a general account shall be permissible only on condition that no cash or securities need to be deposited in the account in connection with a transaction on a previous day and that, in addition, the transaction (including such withdrawal) on the day of such withdrawal would not create an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account or increase any such excess.

b. Section 220.4 (c) (7) is amended to read as follows:

(7) The 7-day periods specified in this paragraph refer to 7 full business days. The 35-day period and the 90-day period specified herein refer to calendar days, but if the last day of any such period is a Saturday, Sunday, or holiday, such period shall be considered to end on the next full business day. For the purposes of this paragraph, a creditor may, at his option, disregard any sum due by the customer not exceeding $100.

c. Section 220.4 (c) (8) is amended by adding the following at the end thereof:

For the purposes of this subparagraph, the cancellation of a transaction, otherwise than to correct an error, shall be deemed to constitute a sale. The creditor may disregard for the purposes of this paragraph a sale without prior payment provided full cash payment is received within the period described by subparagraph (2) of this paragraph and the customer has not withdrawn the proceeds of sale on or before the day on which such payment (and also final payment of any check received in that connection) is received. The creditor may so disregard a delivery of a security to another broker or dealer provided such delivery was for deposit into a special cash account which the latter broker or dealer maintains for the same customer and in which account there are already sufficient funds to pay for the security so purchased; and for the purpose of determining in that connection the status of a customer's account at another broker or dealer, a creditor may rely upon a written statement which he accepts in good faith from such other broker or dealer.

2. a. This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to facilitate and simplify operations under this part. The rules on withdrawals and substitutions of securities in undermargined accounts are further liberalized, and the rules to be followed by brokers and dealers in connection with cash accounts are simplified.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found, as stated in section 2 (e) of the Board's rules of procedure (12 CFR 262.2 (e)), and especially because in connection with this permissive amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies secs. 3 (a), (b), 7 (a), (b), (c), (d), 8 (a), 17 (b), 23 (a), 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U. S. C. 78c-(a), (b), 78g-(a), (b), (c), (d), 78h-(a), 78q-(b), 78w-(a))

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 49-3303; Filed, Apr. 27, 1949; 8:56 a. m.]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

GENERAL RULE

1. Effective May 1, 1949, Part 221 is hereby amended by amending the third paragraph of § 221.1 to read as follows:

§ 221.1 *General rule.* * * *

While a bank maintains any such loan, whenever made, the bank shall not at any time permit withdrawals or substitutions of collateral that would cause the maximum loan value of the collateral at such time to be less than the amount of the loan. In case such maximum loan value has become less than the amount of the loan, a bank shall not permit withdrawals or substitutions that would increase the deficiency; but the amount of the loan may be increased if there is provided additional collateral having maximum loan value at least equal to the amount of the increase.

2. a. This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to liberalize further the rules on withdrawals and substitutions of collateral in undermargined loans.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found, as stated in section 2 (e) of the Board's Rules of Procedure (12 CFR 262.2 (e)), and especially because in connection with this permissive amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies secs. 3 (a), (b), 7, 17 (b), 23 (a), 48 Stat. 882, 886, 897, 901 as amended; 15 U. S. C. 78c, 78g, 78q (b), 78w (a))

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 49-3302; Filed, Apr. 27, 1949; 8:56 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 2—SPECIAL PROVISIONS APPLICABLE TO GRAINS, FLAXSEED, AND SOYBEANS

AMOUNTS FIXED FOR REPORTING ON FORMS 201, 203, AND 204

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1–17a), §§ 2.20 and 2.21, Part 2, Chapter I, Title 17, Code of Federal Regulations are amended by inserting "(milled rice, 56,000 pockets or bags of 100 pounds)" after "200,000 bushels" in each such section.

This amendment merely states the approximate milled-rice equivalent of 200,000 bushels of rice. Since the amendment is merely an interpretative rule, notice and public procedure are unnecessary under section 4 of the Administrative Procedure Act, and this amendment may be made effective within less than thirty days after publication in the FEDERAL REGISTER.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Issued this 22d day of April 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-3290; Filed, Apr. 27, 1949; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52201]

PART 16—LIQUIDATION OF DUTIES

CONVERSION OF CURRENCY; FRENCH FRANC

Supplemental instructions for the conversion of the French franc for the purpose of assessment of duty on merchandise imported into the United States. Application of T. D. 51989 extended and § 16.4 (c), Customs Regulations of 1943, amended.

Reference is made to T. D. 51989 (13 F. R. 4591) containing instructions for the use of the "Official" and "Free" rates of exchange certified by the Federal Reserve Bank of New York for the French franc for the purpose of assessment of duties on merchandise exported from France, Algeria, Tunisia, or Morocco on or after February 2, 1948.

It was stated in that Treasury decision that the Federal Reserve Bank had informed the Department that it had not determined what rate or rates it would certify for dates on or after January 26, 1948, and prior to February 2, 1948. The Bank has now certified the "Official" and "Free" rates for the franc for dates from January 26 to January 30, 1948 (January 31 and February 1 being Saturday and Sunday). The certified "Official" and "Free" rates for those dates shall be used in accordance with the instructions contained in the above-mentioned T. D. 51989. These rates will be published in a Customs Information Exchange circular in the near future.

Section 16.4 (c), Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.4 (c)), as amended, is hereby further amended by adding the number and date of this Treasury decision and the FEDERAL REGISTER citation thereof opposite "French francs" in the list of foreign currencies for which instructions have been issued under section 522 (c) of the Tariff Act of 1930 (31 U. S. C. 372 (c)).

(R. S. 251, secs. 505, 624, 46 Stat. 732, 759, sec. 522, 46 Stat. 739; 19 U. S. C. 66, 1505, 1624, 31 U. S. C. 372)

No notice of the proposed issuance of this document has been published in the FEDERAL REGISTER pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). T. D. 51989 (13 F. R. 4591) contains complete instructions for the use of the dual rates for the French franc for dates for which the Bank had decided at the time of the issuance of the Treasury decision that it would certify such rates. This document merely extends the application of those instructions to exportations on earlier dates for which the Bank has since certified the dual rates. For this reason it is found that notice and public procedure thereon under section 4 of the Administrative Procedure Act are unnecessary.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: April 21, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-3291; Filed, Apr. 27, 1949; 8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 90]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Schedule A, item 23, is amended to read as follows:

(23) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 all of the Little Rock, Arkansas, Defense-Rental Area.

(Sec. 204 (d), 61 Stat. 198; 50 U. S. C. App. Sup. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective April 26, 1949.

Issued this 25th day of April 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-3336; Filed, April 27, 1949; 8:53 a. m.]

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 632, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932.

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 85]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respect:

Schedule A, Item 23, is amended to read as follows:

(23) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 all of the Little Rock, Arkansas, Defense-Rental Area.

(Sec. 204 (d), 61 Stat. 198; 50 U. S. C. App. Sup. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective April 26, 1949.

Issued this 25th day of April 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-3337; Filed, Apr. 27, 1949; 8:53 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

JOINT PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS

The Joint Procurement Regulations, formerly published as Parts 801 to 813, inclusive, of Chapter VIII, Title 10, are amended by changing §§ 802.109–1 (e), 803.115–3 (c), 804.114–3, and 809.302, and by adding §§ 805.203–2, 809.302–1, 809.302–2, and 809.604 (h), as follows:

§ 802.109–1 *Department of the Army; fraud and criminal conduct.*

* * * * *

(e) *Preliminary reports.* As soon as possible after receipt of the notice of suspension, and within 30 days, or when reporting suspicion of fraud, the head of each technical service and the commanding general of each army (ZI) will submit a brief report, Contractor and Contract Suspensions Under JPR 2–109 (Reports Control Symbol CSGLD–228) indicating the current contractual relationship between the suspended contractor and the agency submitting the report. This report will consist of a brief statement of the status of outstanding contracts, either proposed, current, or terminated but unsettled. The extent to which such persons or firms are considered necessary and essential suppliers will be indicated. Negative reports indicating no current or presently proposed contracts are required.

* * * * *

§ 803.115–3 *Failure to submit satisfactory evidence.* * * *

(c) The contracting officer will furnish a copy of such resulting instructions as he may receive in the premises, or copy of the decision of the Comptroller General, if any, to the disbursing officer making payments under the contract, in order that such instructions or decisions may be used by the disbursing officer in support of any payment made by him. In addition, the decision of the Comptroller General will also be cited by number and date on the copy of U. S. Standard Form No. 1036 intended for the General Accounting Office or a copy thereof securely attached to that form.

* * * * *

§ 804.114–3 *Limitation.* No action shall be taken by the chiefs of the procuring services with respect to standardization of equipment under this authority without the prior approval of the Secretary. This authority will not be availed of except in unusual cases in an initial procurement of a particular item. Within the Department of the Army, the provisions of AR 15–440 are applicable.

* * * * *

§ 805.203–2 *Mistake in bid.* Where an award involves a mistake in bid on which the Comptroller General has rendered a decision, see § 803.115–3 (c).

* * * * *

§ 809.302 *Premium wage compensation.*

§ 809.302–1 *Department of the Army*—(a) *General.* Premium rates (other than overtime) will not be paid without express approval of the Chief, Current Procurement Branch, Logistics Division, General Staff, United States Army.

(b) *Overtime.* It is the general policy of the Department of the Army that its contracts, particularly those of a cost reimbursement type, be performed without overtime work on the part of employees of the contractor or the Government.

(1) The following policies will be followed:

(i) Effective as of March 3, 1949, the authority for approval of such overtime deviations as may be required is hereby delegated to the heads of the technical services.

(ii) Requests for and approvals of requests for deviation to the above-expressed overtime policy will be kept to a minimum.

(iii) Utilization of such approvals as may be given by the head of a technical service will be confined to the meeting of essential deadlines necessary to the performance of the contract solely in the interests of the Government.

(iv) In granting such approvals, it will be the responsibility of the head of a technical service to restrict such overtime work to the absolute minimum required for the accomplishment of the specific work for which the deviation was requested and for which the approval was given.

(2) The above policy is not to be construed as forbidding the use of overtime necessitated because of disaster or emergency.

(3) Any case concerning overtime which may arise and which does not fall within the foregoing authorization will be referred to the Chief, Current Procurement Branch, Logistics Division, General Staff, United States Army, for consideration.

§ 809.302–2 *Department of the Air Force*—(a) *General.* Premium rates will not be paid without express approval of the Commanding General, Air Matériel Command, or such officer or person as he may designate.

(b) *Report.* A monthly report of actions taken under this authority (Reports Control Symbol AF–MD–F34) will be submitted to the Deputy Chief of Staff, Matériel, Headquarters, United States Air Force, Attention: Director, Procurement and Industrial Planning, as of the last day of each calendar month.

* * * * *

§ 809.604 *Interpretations not found in publications furnished contracting officers.* * * *

(h) The Department of Labor under date of March 15, 1949, has amended section 11 (h) on page 7 of Rulings and Interpretations No. 3 by adding the commodity "edible tallow" to the list of perishables contained therein.

* * * * *

[Proc. Cir. 10, 1949] (Pub. Law 413, 80th Cong.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49–3309; Filed, Apr. 27, 1949; 8:46 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PART 13—ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (n), reading as follows, is added to § 1.4 *Fishing:*

(n) During any period of emergency, or to prevent overuse by fishermen of waters open to fishing in the parks and monuments, the superintendents, in their discretion, may close to fishing all or any part of such open waters for such periods of time as may be necessary: *Provided,* That notice thereof shall be given by the posting of appropriate signs and markers.

2. Section 1.20 *Grazing,* is amended to read as follows:

§ 1.20 *Grazing and agricultural use.* (a) The running at large, herding, driv-

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587.

ing across, or grazing of livestock of any kind on the Government lands in the parks and monuments, or the use of such lands for agricultural purposes, is prohibited, except where authority therefor has been granted pursuant to a revocable permit issued by an authorized officer or employee of the National Park Service. Applications for such authorization may be addressed to the superintendent of the area involved.

(b) Paragraph (a) of this section is subject to the exception contained in the act of Congress approved February 26, 1929 (45 Stat. 1314), relating to grazing in Grand Teton National Park, and to the exception contained in the act of Congress approved February 14, 1931 (46 Stat. 1161), reserving to the Navajo Tribe of Indians the right to the surface use of lands in the Canyon de Chelly National Monument for agriculture, grazing, or other purposes.

(c) No authority may be granted for grazing in Yellowstone National Park.

3. Section 13.6 *Guide fees for Lehman Caves*, is amended to read as follows:

§ 13.6 *Guide fees for Lehman Caves.* In Lehman Caves National Monument, no person or persons shall be permitted to enter the caves unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of 42 cents shall be charged each person entering the caves.

4. Section 13.7 *Guide fees for Crystal Cave*, is amended to read as follows:

§ 13.7 *Guide fees for Crystal Cave.* In Sequoia National Park, no person or persons shall be permitted to enter Crystal Cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of 42 cents shall be charged each person entering the cave.

5. Section 13.13 *Admission fees; miscellaneous*, is amended as follows:

Paragraph (a) is amended to read as follows:

(a) An admission fee shall be charged each person entering the following areas:

	Fee
Castillo de San Marcos National Monument	$0.08
Fort Pulaski National Monument	.08
George Washington Birthplace National Monument	.08
Fort Raleigh National Historic Site (except after 6:00 p. m. on days when the pageant, "The Lost Colony," is presented by the Roanoke Island Historical Association)	.08

Paragraph (b) is amended to read as follows:

(b) An admission fee shall be charged each person entering the following places:

	Fee
Fort McHenry National Monument and Historic Shrine—Inner Fort	$0.08
Colonial National Historical Park:	
Moore House	.08
Yorktown Historical Museum	.08
Morristown National Historical Park—Ford Museum and Mansion	.08
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park—Museum	.08
Chickamauga and Chattanooga National Military Park—Point Park	$0.08
Vicksburg National Military Park—Museum	.08
Salem Maritime National Historic Site—Derby House	.25
Vanderbilt Mansion National Historic Site—Mansion	.25
Lincoln Museum	.08
House Where Lincoln Died	.08
Lee Mansion in Arlington National Cemetery	.08
Adams Mansion National Historic Site	.25

Paragraph (d) is amended to read as follows:

(d) A fee of 8 cents shall be charged each person entering the Government area on Jamestown Island in Colonial National Historical Park, except members of the Association for the Preservation of Virginia Antiquities. The fee shall be combined with a fee of 25 cents per person charged for admission to the area owned by the Association for the Preservation of Virginia Antiquities and included within the Jamestown National Historic Site.

Paragraph (e) is amended to read as follows:

(e) A fee of 25 cents shall be charged each person entering the Cyclorama Building at Gettysburg National Military Park.

6. Section 13.17, reading as follows, is added to Part 13:

§ 13.17 *Commercial passenger-carrying vehicles, Mammoth Cave National Park.* (a) Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire within the Park. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year—$2.50 for each passenger-carrying seat in the vehicle.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1—65 cents for each passenger-carrying seat in the vehicle.

(3) Permit for one day—$1.00 per vehicle.

7. Section 20.13 *Yellowstone National Park*, is amended as follows:

Paragraphs (a) *Fishing; open season; special area*, (b) *Fishing; closed waters*, (c) *Fishing; limit of catch and in possession*, and (d) *Fishing; restriction on use of bait*, are revoked.

Paragraph (e) *Weight and size limits for vehicles*, is redesignated paragraph (a).

Paragraph (f) *Speed*, is redesignated paragraph (b).

Paragraph (g) *Trucking*, is redesignated paragraph (c).

Paragraph (h) *Boats*, is revoked.

New paragraphs, reading as follows, are added to § 20.13:

(d) *Boats*—(1) *Size limitation.* No privately owned boat more than 30 feet in length, and no sailboat of any character, shall be placed or operated upon the waters of the Park.

(2) *Removal of boats.* All privately owned boats shall be removed from the Park during the period from November 1 to April 30, inclusive.

(3) *Display of permit.* The permit issued by the Superintendent for the operation of a boat upon the waters of the Park must be carried within the boat at all times when any person is aboard, and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(4) *Boat equipment and requirements.* (i) From sunset to sunrise all boats must display a clear white light showing all around the horizon.

(ii) All boats shall carry an approved life preserver, ring buoy, or buoyant cushion for each person on board. Such devices shall be properly secured and stowed so as to be readily accessible in emergency.

(iii) All boats having built-in or inboard motors shall carry one fire extinguisher of the following approved types or capacities: 1¼ gallon foam, 4-pound carbon dioxide, or 1-quart carbon tetrachloride.

(iv) All boats powered with inboard motors which use gasoline as fuel shall have carburetors fitted with an approved device which has demonstrated its ability to arrest backfire. Bilges must be kept free of oil, gasoline, or grease.

(v) All boats shall have a bailing bucket on board, unless the boat is equipped with a bilge pump or similar bailing device.

(5) *Special limits for small boats.* No boat 16 feet or less in length, whether equipped with motor or propelled with oars, shall be operated at a distance of more than one-fourth mile from the shoreline of any lake.

(6) *Rules of the road.* The following rules of the road shall be observed:

(i) The operation of boats in such a manner as to endanger life or property is prohibited.

(ii) In narrow channels boats shall be operated to the right of the middle of the channel.

(iii) When approaching or passing other watercraft, speed shall be reduced so that the wake does not endanger the other craft.

(iv) Slow speed shall be maintained in docking and fishing areas so as not to endanger persons or other craft.

(v) Right-of-way shall be given larger craft.

(7) *Registration of trip.* The operator of each boat leaving for an extended trip, including trips of overnight duration, shall register in the book provided for that purpose at one of the following locations: (i) Fishing Bridge Boat Dock, (ii) Lake Ranger Station, (iii) West Thumb Ranger Station, (iv) Mary Bay Registration Box, (v) Bridge Bay Registration Box, or (vi) Lewis Lake Campground Registration Box. This registration shall include names of all persons in the boat, a statement of the proposed destination and intended time of return. Upon his return, the operator shall indicate in the registration book the time of his return. If, after an extended trip, a boat is removed from the particular Park water or is docked at a point other than the place of departure for the trip, the operator shall report at once to the nearest registration point and record in the registration book there provided, the time of his return from the trip or departure from the particular Park water.

(8) *Sanitation.* No bottles, cans, rubbish, or refuse of any kind, including wastes from chemical toilets, shall be thrown from any boat into Park waters, or from docks along the shore, or otherwise placed in the waters of the Park. Water closets, lavatories, drains, sinks, and other devices which discharge directly into the water shall be sealed in such a manner as to prevent their use.

(9) *Limitation of boat loads.* No boat shall be operated on any waters of the Park with more than a safe capacity load of passengers or supplies.

(10) *Restricted landing areas.* The landing of boats on either of the islands designated as "Molly Islands" in Yellowstone Lake, or the disturbance in any manner of the birds inhabiting the same or nesting thereon, is prohibited, except upon written permission of the Superintendent.

(e) *Fishing*—(1) *Open season.* Except as otherwise provided, the open season for fishing in the waters of the Park shall be from sunrise on May 30 to sunset on October 15.

(2) *Limited open season.* (i) All streams emptying into Yellowstone Lake, including the mouths of such streams, the Yellowstone River and its tributaries from a point 10 yards above Fishing Bridge to the Upper Falls at Canyon, and Grebe Lake are open to fishing from sunrise on July 1 to sunset on October 15: *Provided, however,* That fishing is prohibited in Yellowstone River for a distance of 250 yards on either side of the center of Yellowstone Cascades.

(ii) The following waters are open to fishing from sunrise on May 30 to sunset on September 30:

Madison River.	Cougar Creek.
Maple Creek.	Duck Creek.
Campanula Creek.	Gneiss Creek.
Grayling Creek.	Tepee Creek.

(3) *Night fishing.* Night fishing is prohibited in all waters of the Park open to fishing during specific hours of Mountain Standard Time as follows:

(i) From opening of fishing season to August 31: 9:00 p. m. to 4:00 a. m.

(ii) From September 1 to close of fishing season: 8:00 p. m. to 5:00 a. m.

(4) *Closed waters.* The following waters of the Park are closed to fishing:

Indian Creek.
Glen Creek.
Riddle Lake.
Buck Lake.
Shrimp Lake.
Panther Creek.
Mammoth Water Supply Reservoir.
Duck Lake.
Trout Lake.
Firehole River, from the Old Faithful water supply intake to the Shoshone Lake trail crossing above Lone Star Geyser.
Gardiner River, for its entire length above the Mammoth water supply intake.
All streams trapped for egg-taking purposes are closed from the mouths of such streams to a distance of three miles above the traps during the spawning season.

(5) *Limit of catch and in possession.* The limit of catch per day by each person fishing, and the limit of fish in possession at any one time by any one person, shall be 15 pounds of fish (dressed weight with heads and tails intact), plus one fish, not to exceed a total of 5 fish.

(6) *Restriction on use of bait.* No salmon eggs or other fish eggs, either fresh or preserved, shall be used as bait. The possession of such salmon eggs or other fish eggs is prohibited within the Park.

8. Section 20.14 *Great Smoky Mountains National Park,* is amended as follows:

Paragraph (i) *Speed,* is amended to read as follows:

(i) *Speed.* Except where different speed limits are indicated by posted signs or markers, speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 45 miles per hour on Park roadways.

Paragraph (j) *Passenger trucks,* is amended to read as follows:

(j) *Report of accidents by wrecker operators.* Before the operator of a commercial wrecking car shall attempt to remove any vehicle involved in an accident within the Park, he shall take reasonable steps to ascertain whether any of the persons involved in the accident have reported it to the appropriate Park authority and if he does not ascertain that a report of the accident has been made, he shall report the accident to the nearest Park authority.

9. Section 20.22 *Grand Teton National Park,* is amended as follows:

Subparagraph (3), paragraph (b) *Fishing,* is amended to read as follows:

(3) The open season for fishing shall conform to the open season established by the State of Wyoming for Teton County, except that the open season for fishing in the waters of Phelps, Jenny, String, and Leigh Lakes and Moose, Beaver Creek, and Sawmill Ponds shall be from May 1 through October 31.

10. Section 20.36 *Mammoth Cave National Park,* is amended to read as follows:

§ 20.36 *Mammoth Cave National Park*—(a) *Fishing*—(1) *Open season.* Fishing is permitted during the open season established for adjacent waters under the jurisdiction of the State of Kentucky, except that no fishing shall be permitted in Doyle Valley, Sloans Crossing, Green, Simmons, Babe Doyle, and Martin Ponds during the period from May 1 through May 29.

(2) *Size limit.* Crappie under 8 inches in length, jack salmon or walleyed pike under 13 inches in length, channel or fiddler cat under 14 inches in length, sand pike or sauger under 13 inches in length, and all species of bass under 11 inches in length, shall not be retained unless seriously injured in catching.

(3) *Use of seines.* Seines which do not exceed 6 feet in length and 4 feet in width or height, with mesh not larger than ¼ inch, may be used in the following runs and creeks for procuring minnows and crawfish for bait, except that minnows and crawfish shall not be taken or caught for commercial purposes: Bylew, First, Second, Pine, Buffalo, Big Hollow, Ugly, Cub, Blowing Spring, Floating Mill Branch, Dry Branch, and Mill Branch. As used in this subparagraph, the term "minnows" means any fish less than 6 inches in length except those species of fish enumerated in subparagraph (2) above.

11. Paragraph (c), reading as follows, is added to § 20.43 *Natchez Trace Parkway:*

(c) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 20 miles per hour in the utility and residential areas.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 20th day of April 1949.

[SEAL] J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-3297; Filed, Apr. 27, 1949; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 904]

HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supps. 900.1 et seq.), a public hearing was held at Boston, Massachusetts, March 16 and 17, 1949, pursuant to a notice issued on March 9, 1949 (14 F. R. 1129), upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

A recommended decision, based on the record of such hearing, was issued by the Assistant Administrator, Production and Marketing Administration, on April 6, 1949 (14 F. R. 1709). Exceptions have been filed to that recommended decision and were considered in arriving at the findings and conclusions contained herein. The material exceptions are discussed specifically in the findings and conclusions with respect to

the points to which such exceptions refer. However, to the extent that the findings and conclusions contained herein are at variance with any exception pertaining thereto, such exception is overruled.

The material issues presented on the record were concerned with the following:

1. The published prices for nonfat dry milk solids to be used as a Class II price formula factor and increased handling allowances in Class II price.

2. Alternative prices to be used for butterfat values if Boston weighted average cream prices are not published.

3. Revision of the formula factors representing the pounds of butterfat in a 40-quart can of 40 percent cream and the pounds of nonfat dry milk solids obtainable from a hundredweight of Class II milk.

4. An increase in the allowance to handlers for Class II milk which is manufactured into butter and cheese during April, May, June, and July.

5. Reduction of the Class I price for that Class I milk sold outside the Boston marketing area to the level of prices established for such milk under the New York milk order.

6. General.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

1. *Nonfat dry milk solids prices and increased handling allowance.* Two proposals were made at this hearing which were intended to provide handlers with a wider margin for handling Class II milk. One proposal would increase the allowance set forth in the order by 10 cents per hundredweight. This method of increasing the allowance was urged because of its simplicity and the fact that it would bring prices more nearly in line with those established for milk used in similar products by handlers regulated by the New York milk marketing order.

The proposal sponsored by 14 cooperative associations of milk producers would substitute in the Class II price formula for the New York prices now used in the order a series of prices reported by the United States Department of Agriculture for nonfat dry milk solids f. o. b. manufacturing plants in the Chicago area. The Chicago prices are consistently lower than the New York prices and would thus result in a lower Class II buying price for handlers. The representatives of producers associations stressed the merits of the Chicago price series over the New York reported prices because the Chicago prices are obtained from written reports rather than an oral communication such as is the case with respect to the New York series. Prices reported by Boston handlers for nonfat dry milk solids sold by them are lower than the New York series. The prices reported by Boston handlers were manufacturing plant prices.

The Chicago area plant price quotation for roller process nonfat dry milk is a simple average of prices reported by 45 plants in Indiana, Illinois, Michigan, Wisconsin, and Minnesota. As with the New York reported price, there is no distinction made between advertised and other brands. The New York price is reported as a weekly range. The record does not show the range of prices included in the Chicago area reported price. Both prices are for the product manufactured by the roller process for human consumption.

The testimony of witnesses indicates that they have more confidence in the Chicago area price than in the New York reported price as a measure of the changes in the value of the nonfat portion of Class II milk handled in the Boston area.

As one would expect, the Chicago series appears to reflect about the same changes in the nonfat dry milk solids market as those reflected by the New York series. Since the Chicago series appears to be fully as adequate as the New York series, and is recommended by the handlers and producers associations in the market, the Chicago series is adopted as the price basis.

The substitution of the Chicago series for the New York series is expected to result in a drop of 10 to 13 cents per hundredweight in the price of Class II milk.

The principal argument advanced by handlers and cooperative associations of producers which market milk was that handlers regulated by the New York milk marketing order are able to purchase milk at less than the Boston order Class II price for disposition to buyers who normally purchase Class II milk and milk products from Boston handlers.

Manufacturers of certain types of cheese are in position to purchase Class II milk from New York or Boston handlers depending on which source is cheaper. Products used by ice cream manufacturers, particularly condensed products, are manufactured in each market and sold competitively in Northeastern markets. Any substantial loss of these markets to New York handlers will restrict the market for seasonal excess milk in the Boston market. If all of the outlets for Class II milk to cheesemakers are lost to New York handlers it is possible that the existing capacity for manufacturing Class II milk in New England would not be sufficient for handling the product during the flush production months. During June 1948, 35 million pounds of Class II milk was utilized by Boston handlers in various types of cheese out of approximately 84 million pounds of Class II milk used in manufactured milk products. Class II milk received from producers has been greater for several months than the quantity of Class II milk in the corresponding months last year.

Some coordination between the New York and Boston order prices for milk and milk products sold in the same markets is obviously necessary. Several witnesses who urged adjustments to bring Boston prices in line with New York prices for milk used similarly asked not for the adoption of the New York price formulas verbatim but for certain modifications of the Boston formula based on average differences between New York and Boston prices.

The New York order Class III price effective April 1, 1949 is based on butter prices for the months March through July. The lower fat value based on butter averaged 5 cents per hundredweight of 3.7 percent milk in 1947 and 25 cents per hundredweight in 1948 for the 5-month period below the fat value based on the Boston weighted average cream price. Since about two-thirds of the Class II purchased by Boston handlers from producers is purchased during the months March to July, inclusive, the average annual advantage to New York handlers based on the relative butterfat values of 1947 and 1948 would have been 3 cents and 15 cents per hundredweight. On the other hand the Chicago area plant price reported for nonfat dry milk solids proposed for Boston would establish a lower price to Boston handlers of about 8 cents based on 1947 prices and nearly 9 cents on 1948 prices. The handling allowance under the New York order is 70 cents each month whereas the allowances in the Boston order vary seasonally from 57½ to 75½ cents and weighted by the volume of Class II milk purchased in 1948 equal about 68 cents. The net differences between prices based on these factors indicate a possible net advantage to Boston handlers if the Chicago nonfat dry milk solids quotation is adopted of 3 cents per hundredweight based on 1947 prices or a possible disadvantage of 8 cents based on 1948 prices.

Several witnesses urged the adoption of separate allowances calculated to apply to the skim milk value factor and to the butterfat value factor. Values for these components of Class II milk cannot be computed separately since the record contains no reliable basis for computing such values. Separate allowances would be meaningless in the principal adjustment needed at this time, the alignment of Class II prices with prices paid by New York handlers, since the New York and Boston price formulas differ in several respects.

In order to assure producers of a market for all milk during 1949, the Class II prices should be reduced by allowing handlers a larger margin for handling Class II milk. A change in the basis of pricing to use the Chicago area f. o. b. plant prices reported by the United States Department of Agriculture for nonfat dry milk solids is desirable. The 10 to 13 cents additional handling allowance which would be afforded by a shift to the Chicago price base is approximately the amount needed to maintain an outlet for all Class II milk this year. Therefore, the change in the price basis which will give handlers more incentive to handle Class II milk should be made.

Exception was taken to the fact that the recommended decision proposed substitution of the Chicago area nonfat dry milk price, in place of the New York price quotation, in the Class II price formula, without making specific adjustment for the difference in freight rates for shipment from the Chicago area to New York City as compared to the rates from points in the Boston milkshed to New York City. Although this factor was not mentioned specifically in the recommended decision, the effect of this

factor was considered in arriving at the proposed price for Class II milk.

Exceptors also pointed out that effect of the animal feed nonfat dry milk solids price quotation as used in the order prior to January 1, 1949, would be less, if based on the most recent data, than the estimated effect used in the January 1, 1949, amendment in establishing allowances to handlers on Class II milk. The relationship between prices for nonfat dry milk solids for human food products and for animal feed uses was found to be unreliable as a basis for establishing Class II prices and that factor was eliminated by an amendment effective January 1, 1949. This record contained no new evidence to support the inclusion of such a factor.

2. *Alternative butterfat values.* It was proposed at the hearing that the substitute formula for computing the butterfat value factor in the absence of the designated weighted average cream price reported for the Boston market by the United States Department of Agriculture be revised. The substitute value per pound of butterfat is now computed by multiplying the average price of 92-score butter sold wholesale at Chicago by 1.4. The evidence indicates that this formula would have produced in 1948 from 10 cents per hundredweight below the cream value formula price in one month to 32 cents above the formula price in another month.

The proposed amendment would provide for computing the substitute butterfat value by adding 2 cents to the United States Department of Agriculture reported price for 92-score butter sold wholesale at New York, and multiplying the result by 1.24. This alternative would have produced prices during 1947 and 1948 from 10 cents per hundredweight above the cream value formula price to 42 cents per hundredweight below. The range in substitute values relative to cream prices under either the present order or the proposed amendment is too wide to rely on for the determination of a substitute value in the event that cream prices are not reported. There is a possibility that cream prices may not be reported every month. Some price determination would have to be made under such a circumstance. The order contains a provision directing the Secretary to establish an equivalent price if the price used in a formula is not reported. No additional provision is necessary. The substitute butterfat value provision should be deleted.

3. *Formula conversion factors.* The revision of the formula factors representing the pounds of butterfat in a 40-quart can of 40 percent cream and the pounds of nonfat dry milk solids obtainable from a hundredweight of Class II milk was proposed. It is not clear from the record just what the proposed conversion factors are intended to represent. No change should be made in these factors without more evidence.

4. *Butter and cheese differential.* Two proposals were made at this hearing which were intended to increase the amount of allowance to handlers on milk used in the manufacture of butter or Cheddar-types of cheese. One proposal would have increased the allowance by 10 to 13 cents per hundredweight of milk, and the other proposal would have made the butter and cheese differential a flat 4 cents per pound of butterfat.

Some evidence was offered at the hearing to indicate that the allowance on milk used in the manufacture of butter and cheese should be increased by an amount at least equivalent to the increase in the allowance on regular Class II milk effected by the January 1, 1949, amendment to the order. It was argued that the costs of handling milk used for butter or cheese had increased as much as the cost of handling other Class II milk. Other evidence offered was intended to show that the proposed increases in the allowance on milk used for butter or cheese were needed in order to align the price of this milk with the price of milk for the same uses under the New York order. One proponent argued that the proposed amendments to the New York order would give handlers in that market incentive to ship cream to the Boston market, thus forcing some of the Boston handlers' butterfat into butter and cheese.

Evidence given at this hearing indicated that most of the butter manufactured from producers' milk was made at plants at least as distant as the 201–210 mileage zone. Therefore the increases in zone differentials, based partly on cream freight costs, effective January 1, 1949, resulted in some additional allowance on milk used for making butter.

The evidence did not substantiate that precise alignment of the allowance under the New York order for similar uses was needed.

Prior to the amendment of this order on January 1, 1949, the total allowance on milk the butterfat from which was used in the manufacture of butter or Cheddar-type cheese was about 5 cents less per hundredweight (based on market prices of butter and nonfat solids) than the total allowance on regular Class II milk (based on market prices of cream and nonfat solids). Such a relationship of the allowances on milk in these uses tends to discourage use of milk in butter and cheese and to stimulate handlers to seek outlets in higher valued uses.

Pending thorough study of the factors affecting the pricing of milk utilized in butter and cheese, it is reasonable to maintain the relationship of such prices to the regular Class II prices which existed for several years prior to January 1, 1949.

The total allowance on milk the butterfat from which is used in the manufacture of salted butter and Cheddar-type cheeses should be established at a level approximately in the same relationship to the total allowance on regular Class II milk as existed prior to January 1, 1949.

5. *Class I milk sold outside the Boston marketing area.* It was proposed at the hearing that milk from the Boston pool sold outside the Boston marketing area in markets not under Federal regulation should be priced at a level comparable to the Class I–C price under the New York order. Under the New York order handlers must pay producers for pool milk sold in markets not under Federal regulation the blend price plus 20 cents.

Examination of the record indicates that the problems involved in pricing Boston pool milk sold outside the marketing area at a price lower than Class I milk could not be adequately treated on an emergency basis, and that further study of these problems is necessary. The decision on this issue is therefore deferred until fuller consideration can be given to this matter. It appears, however, that consideration of this issue should not delay action on other issues considered at the hearing upon which proponents urged that the earliest possible action be taken.

6. *General.* (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of April 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] *Amending Order, as Amended, Regulating Handling of Milk in Greater Boston, Mass., Marketing Area*

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held on March 16 and 17, 1949 upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 904.7 (b), delete subparagraphs (1), (2), (3), and (4), and substitute the following:

(1) Subject to paragraph (d) (3) of this section, subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is received, divide the remainder by 33.48, and multiply the result by 3.7.

(2) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

2. In § 904.7 (b), renumber subparagraph (5) as (3), and change the reference "subparagraphs (3) and (4)" therein to "subparagraphs (1) and (2)."

3. In § 904.7 (d) (3), change the reference "§ 904.9 (d) (1)" to "§ 904.9 (d) (2)."

4. Delete § 904.7 (d) (4).

5. In § 904.7 (e) (1), delete the phrase "deduct 5 cents,".

6. Delete § 904.7 (e) (2) and substitute the following:

(2) Divide by 3.7 the amount determined pursuant to paragraph (b) (1) of this section, and subtract from the quotient the amount determined pursuant to subparagraph (1) of this paragraph. The result is the butter and cheese differential.

7. Delete § 904.9 (d) and substitute the following:

(d) *Butterfat differential.* (1) In making the payments to each producer for milk received from him, each pool handler shall add for each one-tenth of 1 percent average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent average butterfat content below 3.7 percent, an amount per hundredweight calculated by the market administrator pursuant to subparagraph (2) of this paragraph.

(2) Subject to § 904.7 (d) (3), subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, and divide the remainder by 334.8.

[F. R. Doc. 49-3319; Filed, Apr. 27, 1949; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 934]

HANDLING OF MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED AMENDMENT TO MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supps. 900.1 et seq.), a public hearing was held at Boston, Massachusetts, March 16 and 17, 1949, pursuant to a notice issued on March 9, 1949 (14 F. R. 1129), upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. The hearing was held jointly on the consideration of similar amendments to the order regulating the handling of milk in the Greater Boston marketing area.

A recommended decision, based on the record of such hearing, was issued by the Assistant Administrator, Production and Marketing Administration, on April 6, 1949 (14 F. R. 1712). Exceptions have been filed to that recommended decision and were considered in arriving at the findings and conclusions contained herein. To the extent that the findings and conclusions contained herein are at variance with any exception pertaining thereto; such exception is overruled.

The material issues presented on the record with respect to the regulation of the handling of milk in the Lowell-Lawrence market concerned the question of whether the price of Class II milk in this market should be modified in the same manner as the Boston Class II price would be modified by proposed amendments to the Federal order for that market. The proposed amendments which would modify the pricing of Class II milk in the Lowell-Lawrence market concerned the following:

1. The published prices for nonfat dry milk solids to be used as a Class II price formula factor and increased handling allowances in the Class II price.

2. Alternative prices to be used for butterfat values if the Boston weighted average cream prices are not published.

3. Revision of the formula factors representing the pounds of butterfat in a 40-quart can of 40 percent cream and the pounds of nonfat dry milk solids obtainable from a hundredweight of Class II milk.

4. General.

A decision with respect to the handling of milk in the Boston market issued simultaneously herewith contains finidngs and conclusions on the above-listed issues as applied to the order, as amended, regulating the handling of milk in the Greater Boston marketing area. For purposes of reference, the specific issues listed above are numbered the same as they are numbered in the decision with respect to the Boston order.

Findings and conclusions. The following findings and conclusions on material issues are based upon the evidence introduced at the hearing and the record thereof.

The findings and conclusions made on issues 1, 2, and 3 in the decision, issued simultaneously herewith with respect to the order, as amended, regulating the handling of milk in the Boston market, *supra,* are adopted as the findings and

conclusions of this decision as though fully set forth herein except insofar as such findings and conclusions may be modified by the supplementary findings and conclusions hereinafter set forth.

In an order issued March 28, 1949 (14 F. R. 1478), amending the order, as amended, regulating the handling of milk in the Lowell-Lawrence marketing area, the Class II price formula was modified for the purpose of making Class II prices under this order equivalent to Class II prices under the Boston order. Adoption of amendments to the Lowell-Lawrence order similar to the amendments now recommended on the aforesaid issues for the Boston order in the concurrent decision for that order would be needed if the Class II prices in the two markets are to be kept on an equivalent basis.

Manufactured dairy products made from Class II milk in this market must be disposed of in competition with similar products made from Class II milk in the Boston market. The supply areas of the two markets overlap so that producers supplying the Lowell-Lawrence market are located within the supply area of the Boston market. Because of the close relationship of these two markets, the Class II price under each order, which in both cases applies to milk in the same product utilizations, should be equal for producers under the two orders.

General. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the said tentative marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feed, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 22d day of April 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area*

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was held on March 16 and 17, 1949 upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record, thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is hereby ordered that, on and after the effective date hereof, the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 934.6 (d), delete subparagraphs (1), (2), (3), and (4), and substitute the following:

(1) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, and multiply the result by 3.7.

(2) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

2. Renumber § 934.6 (d) (5) as (3), and change the reference "subparagraphs (3) and (4)", therein to "subparagraphs (1) and (2)."

3. Delete § 934.8 (c) and substitute the following:

(c) *Butterfat differential.* (1) Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight calculated by the market administrator pursuant to subparagraph (2) of this paragraph.

(2) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10.

[F. R. Doc. 49-3320; Filed Apr. 27, 1949; 8:49 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 947]

HANDLING OF MILK IN FALL RIVER, MASS., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED AMENDMENT TO MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq.), a public hearing was held at Boston, Massachusetts, March 16 and 17, 1949, pursuant to a notice issued on March 9, 1949 (14 F. R. 1129), upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. The hearing was held jointly on the consideration of similar amendments to the order regulating the handling of milk in the Greater Boston marketing area.

A recommended decision, based on the record of such hearing, was issued by the Assistant Administrator, Production and Marketing Administration, on April 6, 1949 (14 F. R. 1713). Exceptions have been filed to that recommended decision and were considered in arriving at the findings and conclusions contained herein. To the extent that the findings and conclusions contained herein are at variance with any exception pertaining thereto, such exception is overruled.

The material issues presented on the record with respect to the regulation of the handling of milk in the Fall River market concerned the question of whether the price of Class II milk in this market should be modified in the same manner as the Boston Class II price would be modified by proposed amendments to the Federal order for that market. The proposed amendments which would modify the pricing of Class II milk in the Fall River market concerned the following:

1. The published prices for nonfat dry milk solids to be used as a Class II price formula factor and increased handling allowances in the Class II price.

2. Alternative prices to be used for butterfat values if the Boston weighted average cream prices are not published.

3. Revision of the formula factors representing the pounds of butterfat in a 40-quart can of 40 percent cream and the pounds of nonfat dry milk solids obtainable from a hundredweight of Class II milk.

4. General.

A decision with respect to the handling of milk in the Boston market issued simultaneously herewith contains findings and conclusions on the above-listed issues as applied to the order, as amended, regulating the handling of milk in the Greater Boston marketing area. For purposes of reference, the specific issues listed above are the same as they are numbered in the decision with respect to the Boston order.

Findings and conclusions. The following findings and conclusions on material issues are based upon the evidence introduced at the hearing and the record thereof.

The findings and conclusions made on issues 1, 2, and 3 in the decision issued simultaneously herewith with respect to the order, as amended, regulating the handling of milk in the Boston market (*supra*) are adopted as the findings and conclusions of this decision as though fully set forth herein, except insofar as such findings and conclusions may be modified by the supplementary findings and conclusions hereinafter set forth.

In an order issued March 28, 1949 (14 F. R. 1484), amending the order regulating the handling of milk in the Fall River marketing area, the Class II price formula was modified for the purpose of making Class II prices under this order equivalent to Class II prices under the Boston order. Adoption of amendments to the Fall River order similar to the amendments now proposed on the aforesaid issues for the Boston order in the concurrent decision for that order would be needed if the Class II prices in the two markets are to be kept on an equivalent basis.

Manufactured dairy products made from Class II milk in this market must be disposed of in competition with similar products made from Class II milk in the Boston market. The supply areas of the two markets overlap so that different prices for Class II milk in the two markets may result in handlers shifting their source of supply.

Because of the close relationship of these two markets, the Class II price under each order, which in both cases applies to milk in the same product utilizations, should be equal for producers under the two orders.

General. (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the said tentative marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feed, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of April 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area

§ 947.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was held on March 16 and 17, 1949 upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

In § 947.6 (b) (1) delete subdivision (ii) and substitute the following:

(ii) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

[F. R. Doc. 49-3318; Filed, Apr. 27, 1949; 8:47 a. m.]

[7 CFR, Part 955]

[Docket AO 143-A1]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 49-3165, published at page 2025 of the issue for Saturday, April 23, 1949, the word "issue", appearing in the first line of the third paragraph, should read "issues".

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 40, 61]

SCHEDULED AIR TRANSPORTATION OF PASSENGERS IN SINGLE-ENGINE AND NON-TRANSPORT-TYPE AIRCRAFT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed new part of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed part by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by June 1, 1949, will be considered by the Board before taking further action on the proposed rule.

Current Civil Air Regulations, namely Parts 40 and 61, provide that any aircraft certificated after June 30, 1942, to be used in scheduled passenger operations, must be certificated in accordance with the requirements of Part 4b or the transport category requirements of Part 4a. These parts in effect require multiengine aircraft having what is known as "one engine out" performance. Thus while Parts 40 and 61, permit operation in single-engine aircraft under day VFR conditions, only the older types certificated prior to the above date can be used, and not the newer types of single-engine equipment.

In the course of our consideration of the so-called feeder or local operations, it has appeared that the public interest might be served by operations of this type conducted in modern single-engine or in small nontransport type multiengine equipment. We therefore are proposing for comment by the industry, certain regulatory changes in the provisions of Parts 40 and 61 which would be specifically applicable to such operations.

In order to encourage comment at this time on the scope of regulation to be applied to scheduled operations in single-engine aircraft, rather than on the details of such regulation, we are setting forth in narrative form the substance of the proposed amendments. (See section 4 (a) (3) of the Administrative Procedure Act.)

It should be noted that the operations which would be covered by the proposed amendments would be limited to those which could be conducted under the visual flight rules of Part 60, which as a practical matter would further limit such operations to a particular area or region whose topography is favorable for single-engine operation and to relatively short trips.

One other aspect should be considered prior to consideration of the proposed rules and that is whether the VFR operations could be conducted both day and night or limited to day only.

It is proposed to establish the following requirements for scheduled operations under VFR conditions in nontransport-type aircraft:

1. The air carrier would be permitted to use any aircraft certificated in accordance with standard airworthiness requirements which it owns or has the exclusive use of. Such aircraft would be operated in accordance with operating limitations prescribed by the Administrator as establishing a safe relationship between the performance of the aircraft and the topography of the terrain to be traversed and the airports to be used. No IFR or long overwater operations will be permitted.

2. Instead of a ground-to-air two-way communication system independent of government facilities as now prescribed it is proposed to permit the use by such operations of government communication facilities since the principal use is for the filing of flight plans and for meteorological information. A company dispatch organization would not be required; however, flight plans would be filed for all flights.

3. The maintenance requirements would not be as detailed as Part 61 but would be generally similar except that a separate maintenance organization and facilities would not be required.

4. Pilot requirements would be generally similar to Part 61 except that instrument and equipment checks would be required on an annual basis. The general flight time limitations of § 61.518 would apply. Copilots would not be required on single-engine aircraft and might not be required on some multiengine aircraft.

5. Where a ground organization is not provided, the pilot would assume full responsibility for the airworthiness and serviceability of the aircraft prior to flight.

6. Weather minimums would be as prescribed in Part 60. Minimum day altitudes would be 500' and for night as prescribed in Part 61.

This proposal is made under authority contained in Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601-610, 52 Stat. 984, 1007-1012; 49 U. S. C. 425 (a), 551-560)

Dated: April 25, 1949 at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 49-3292; Filed, Apr. 27, 1949; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 7, 8, 12]

[Docket No. 9298]

COASTAL AND MARINE RELAY SERVICE, SHIP STATIONS, AND AMATEUR SERVICE

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Because of the sharing of the intership working frequency 2738 kc between ship stations on the Great Lakes and

ship stations on all coastal and inland waters of the United States, a serious interference problem exists on the Great Lakes with respect to the use of 2738 kc. In order to alleviate this situation, the proposed amendments as set forth below, provide for the allocation and assignment of an exclusive intership working frequency, 2003 kc, to the Great Lakes area.

3. It is further proposed that this allocation and assignment shall be temporary, in the sense that it will be subject to any change which may be desirable or necessitated as a result of the implementation of the Atlantic City Table of Frequency Allocations in the band 2000–2850 kc. Although it is not at this time intended that the frequency 2003 kc shall be available in addition to the present intership working frequency of 2738 kc, it is necessary in order to provide an orderly transition to the proposed use of 2003 kc, to permit the simultaneous use of 2738 kc and 2003 kc for a period to terminate on January 1, 1950.

4. As was indicated in the preceding paragraph, the allocation and assignment of 2003 kc are proposed in order to provide a more satisfactory intership working frequency for use on the Great Lakes. In addition, however, this action is desirable at this time in order to prepare for the effective use by appropriate stations within the jurisdiction of the United States of 2182 kc which has been designated by the Radio Regulations (Atlantic City, 1947) as a world wide distress and calling frequency for the Maritime Mobile Radiotelephone Service. The frequency 2182 kc is presently assigned to the Great Lakes as a calling, answering, and safety frequency. However, because of the unsatisfactory use of 2738 kc as an intership working frequency, other types of communications than calling, answering and safety are unavoidably being carried on 2182 kc. It is anticipated that the assignment of a satisfactory intership working frequency will aid in clearing 2182 kc in the Great Lakes area of such additional communications.

5. The proposed amendments are issued under the authority contained in sections 303 (b) (c) (d) (f) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed rule change should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before May 10, 1949, a written statement or brief setting forth his comments. At the same time, persons favoring the rule as proposed may file statements in support thereof. The Commission will consider all such comments that are presented before taking final action in the matter, and if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules relating to organization and practice and procedure, all persons filing statements or briefs must furnish the Commission with an original and 14 copies of each statement or brief filed.

Adopted: April 20, 1949.

Released: April 21, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Parts 2, 7, 8 and 12 of the Commission's rules and regulations are amended as follows:

1. Section 2.104 (a) is amended by the insertion of the following at an appropriate place in the Table of Frequency Allocations:

United States		Federal Communications Commission				
Band kc.	Allocation	Band kc.	Service	Class of station	Frequency kc.	Nature: Of services Of stations
5	6	7	8	9	10	11
2000–2006 [1]		2000–2006	Maritime mobile [2]	a. Coast b. Ship	2003 kc	Maritime mobile.[2]

[1] This allocation is temporary in the sense that it shall be subject to cancellation or modification by the Commission without the necessity of a hearing, if in the discretion of the Commission such action is necessary or desirable in connection with the implementation of the Atlantic City Table of Frequency Allocations.
[2] The frequency 2003 kc is designated for use in hte Maritime Mobile Service in the Great Lakes area only.

2. Section 7.58 (c) is amended as follows:

a. Add the following at the beginning of the first column:

[19b] 2003 (Great Lakes only).

[19b] Available for assignment to coastal-harbor stations for communication only with ship telephone stations on the Great Lakes upon the condition that excessive interference will not be caused to the service of maritime mobile stations.

b. Add at the end of footnote 19 the following sentence: "After January 1, 1950 not available for use by coastal harbor stations in the Great Lakes area."

3. Section 7.61 (d) is amended to read as follows:

(d) The frequencies [22a] 2003 and [22b] 2738 kilocycles may be authorized for use by coastal-harbor stations only for distress or emergency communication.

[22a] Subject to cancellation or modification by the Commission, without the necessity of a hearing, if in the discretion of the Commission, such action is necessary or desirable in connection with the implementation of the Atlantic City Table of Frequency Allocations.

[22b] After January 1, 1950, not available for use by coastal-harbor stations in the Great Lakes area.

4. Section 8.54 is amended in the following particulars:

a. Paragraph (b) is amended by substituting for the phrase therein, "2100–2200 kilocycles", the phrase "2000–2200 kilocycles".

b. Paragraph (d) is amended to read as follows:

(d) Before transmitting on the frequency 2003 kilocycles or 2738 kilocycles, ship stations shall first establish communication with each other on the frequency 2182 kilocycles by initially calling and answering on the latter frequency.

5. Section 8.81 (d) is amended as follows:

a. Add the following at the beginning of the first column:

[20a] 2003 (Great Lakes only).

[20a] This allocation is temporary in the sense that it shall be subject to cancellation or modification by the Commission without the necessity of a hearing, if in the discretion of the Commission such action is necessary or desirable in connection with the implementation of the Atlantic City Table of Frequency Allocations.

b. Add footnote 30b to the frequency 2738 kc. as follows:

[30b] After January 1, 1950, not available for use on the Great Lakes.

6. Section 8.93 is amended by the insertion of the phrase "2003" immediately preceding the phrase "2182".

7. Section 8.94 is amended to read as follows:

§ 8.94 *Shared use of 2003, 2638, and 2738 kilocycles.* (a) Any one exchange of communications between any two ship stations on 2003, 2638 or 2738 kilocycles, or between a ship and a coastal station on the frequency 2003 kilocycles or on 2738 kilocycles, shall not exceed 5 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, the frequencies 2003 kilocycles, 2638 kilocycles, or 2738 kilocycles shall not again be used for communication between the same two stations until 15 minutes have elapsed: *Provided,* That this requirement shall in no way limit or delay the transmission of distress or emergency communications.

(b) The alternate transmission on 2003 kilocycles, 2638 kilocycles, or 2738 kilocycles by each of two stations, engaged in any one exchange of signals or communications with each other, shall take place on only one of these frequencies and for this purpose, both stations shall transmit and receive on the same frequency: *Provided,* That this requirement is waived in the event of emergency when by reason of interference or limitation of equipment this method of communication cannot be used.

8. Section 8.95 is amended in the following particulars:

a. The title thereof is amended to read as follows:

§ 8.95 *Authorized use of 2003, 2368, and 2738 kilocycles.*

b. Paragraph (a) is amended by changing the phrase "frequency 2738

kc" to read "frequencies 2003 and 2738 kilocycles" and by the insertion immediately after 2738 kilocycles of a numbered footnote 35a to read as follows:

[35a] After January 1, 1950, not available for use on the Great Lakes.

9. Section 8.98 is amended in the following particulars:

a. Paragraph (c) is amended by the insertion of the phrase "2003" immediately preceding the phrase "2182", and add footnote 39a after 2738 kilocycles to read as follows:

[39a] After January 1, 1950, not available for use on the Great Lakes.

b. Paragraph (d) is amended by deleting therefrom the phrase "2100–2200" and substituting therefor the phrase "2000–2200" and by adding the numbered footnote 39a to the phrase "2734–2742".

10. Section 8.132 (a) is amended by deleting the phrase "2100–2200 kilocycles" and substituting therefor the phrase "2000–2200 kilocycles", and adding the numbered footnote 56a to the phrase "2734–2742".

[56a] After January 1, 1950, not available for use on the Great Lakes.

11. Section 12.111 (a) (1) is amended in the following particulars:

a. By deleting in subparagraph (1) the phrase "1800 to 2050 kc" and substituting therefor the phrase "1800 to 2000 kc and 2006 to 2050 kc".

b. By deleting in subdivision (ii) the phrase "2000 to 2050 kc" and substituting therefor the phrase "2006 to 2050 kc".

[F. R. Doc. 49–3341; Filed, Apr 27, 1949; 8:54 a. m.]

[47 CFR, Part 13]

[Docket No. 9294]

COMMERCIAL RADIO OPERATORS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposed to amend § 13.5 of its rules governing commercial radio operators for the following purposes:

a. To add, to the list of those persons who are ineligible to apply for commercial radio operator licenses of any class, those persons who are afflicted with complete deafness or complete muteness or complete inability for any other reason to transmit or to receive correctly by telephone spoken messages in English. This limitation is already in effect as a basic requirement for the issuance of nearly all of the commercial radio operator licenses issued by the Commission, and is a basic requirement, except for the language required to be used, in nearly all of the basic requirements for radio operator licenses under the International Telecommunications Convention (Atlantic City, 1947).

b. To provide that an applicant for a commercial radio operator license who is otherwise found eligible and qualified, but who has a physical handicap which would appear to clearly limit his physical ability to perform all duties as an operator under that license at a station under emergency conditions involving the safety of life or property, may be issued the license for which he is found qualified, but that such license, if of the diploma form (as distinguished from such document of the card form), shall bear an endorsement prohibiting the performance, under that license, of any operating duties, other than installation, service and maintenance duties, at any station which is required to be provided for safety purposes.

3. The proposed amendments, authority for which is contained in sections 4 (i), 303 (l) and 303 (r) of the Communications Act of 1934, as amended, are set forth below.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the manner set forth below, may file with the Commission on or before May 20, 1949, a statement or brief setting forth his comments. At the same time, persons favoring the amendments as proposed may file statements in support thereof. The Commission will consider such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 20, 1949.

Released: April 21, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Section 13.5 of the rules governing commercial radio operators is proposed to be amended in the following particulars:

1. Paragraph (b) of § 13.5 is proposed to be amended by striking out the word "or" just preceding subparagraph (2), changing the period at the end of present paragraph to a comma, and adding the following phrase: "or (3) who is afflicted with complete deafness or complete muteness or complete inability for any other reason to transmit correctly and to receive correctly by telephone spoken messages in English."

2. A new paragraph (c) is proposed to be added to § 13.5, to read as follows:

(c) No applicant who is eligible to apply for any commercial radio operator license shall, by reason of any physical handicap, other than as set forth in paragraph (b) of this section, be denied the privilege of applying and being permitted to attempt to prove his qualifications (by examination if examination is required) for such commercial radio operator license in accordance with established procedure; nor, subject to the following conditions, shall such applicant be denied the issuance of any commercial radio operator license for which he is found qualified:

(1) If the applicant is afflicted with an uncorrected physical handicap which clearly limits his physical ability to perform all duties of a radio operator, under the license for which application is made, at a station under emergency conditions involving the safety of life or property, he may be issued the license for which he is found qualified: *Provided, however,* That any license so received, if of the diploma form (as distinguished from such document of the card form), shall bear the following restrictive endorsement:

This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the Federal Communications Commission which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

(2) In any case where an applicant, who normally would receive or has received a commercial radio operator license bearing the endorsement prescribed by subparagraph (1) of this paragraph, indicates his desire to operate a station falling within the prohibitive terms of the endorsement, he may request in writing that such endorsement not be placed upon, or be removed from, his license, and may submit in support of his request any written comment or statement of himself or any interested party.

[F. R. Doc. 49–3339; Filed, Apr. 27, 1949; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21–416]

MAIL ORDER INSURANCE INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS WITH RESPECT TO PROPOSED TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 13th day of April 1949.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, or other parties, affected by or having an interest in the proposed trade practice rules for the Mail Order Insurance Industry (i. e., all persons, firms, corporations and organizations engaged in the sale and offering for sale of any kind of insurance outside the State of their domicile, through the mail or other interstate communications or facilities and without the employment in connection therewith of any agent licensed in the State where the sale of the insurance is promoted or in which delivery of the policy to the insured is to be made), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit,

and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than May 25, 1949. Opportunity to be heard orally will be afforded at the hearing beginning at 10:00 a. m. (dst), May 25, 1949, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-3310; Filed, Apr. 27, 1949; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 41312]

WASHINGTON

RESTORATION ORDER NO. 1271 UNDER FEDERAL POWER ACT

APRIL 22, 1949.

Pursuant to the determination of the Federal Power Commission (DA-102 Washington), and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights, the following-described public lands, having been withdrawn for Power Site Reserve No. 403 on October 22, 1913, are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, 16 U. S. C. 818), as amended:

WILLAMETTE MERIDIAN, WASHINGTON

T. 34 N., R. 10 E.,
Sec. 1, lots 3, 4, 6, 7, S½NW¼, SW¼, W½ SE¼;
Sec. 2, NE¼, E½SE¼SE¼.

Available data indicate that the land is rough and mountainous in character. The areas described aggregate 592.31 acres.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

Effective immediately, the lands affected by this order shall be subject to application by the State of Washington for rights of way for public highways or as a source of material for the construction and maintenance of such highways, under applicable laws and regulations contained in §§ 244.42 to 244.46 of Title 43 of the Code of Federal Regulations (Circular No. 1237b, May 31, 1943, 8 F. R. 7717), as provided by the act of Congress approved May 28, 1948 (Public Law 559, 80th Congress).

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Bureau of Land Management, Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295 8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Bureau of Land Management, Spokane, Washington.

ROSCOE E. BELL,
Associate Director,
Bureau of Land Management.

[F. R. Doc. 49-3298; Filed, Apr. 27, 1949; 8:45 a. m.]

Office of the Secretary

[Order 2509, Amdt. 1]

DELEGATIONS OF AUTHORITY; GENERAL

Section 53, reading as follows, is added to Order No. 2509:

SEC. 53. *Contracts: Chairmen, Field Committees.* In conformity with applicable regulations and statutory requirements, and subject to the availability of appropriations, the chairmen of the following field committees severally may, without Secretarial approval, purchase supplies and make contracts for supplies and services if the amount involved in any one case does not exceed $100: Alaska Field Committee, Missouri River Basin Field Committee, Pacific Northwest Field Committee, and Southwest Field Committee. (R. S. 161; 5 U. S. C. 22)

J. A. KRUG,
Secretary of the Interior.

APRIL 20, 1949.

[F. R. Doc. 49-3296; Filed, Apr. 27, 1949; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

SUGARCANE IN FLORIDA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 929; 7 U. S. C., Sup. 1131), notice is hereby given that a public hearing will be held in Clewiston, Florida, in the Sugarland Park Auditorium on May 16, 1949, at 10:00 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1949 through June 30, 1950, on farms with respect to which applications for payment under the said act are made, and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1949 crop of sugarcane to be paid under either purchase or toll agreements by processors who as producers apply for payments under the said act. In the interest of obtaining the best possible information, all interested persons are requested to appear to express their views and present appropriate data in regard to the foregoing matters.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof by the presiding officers.

Joseph T. Elvove, Ward S. Stevenson, and Thomas H. Allen are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 25th day of April 1949.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 49-3289; Filed, Apr. 27, 1949; 8:51 a. m.]

Rural Electrification Administration

[Administrative Order 1977]

LOAN ANNOUNCEMENT

APRIL 4, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 36K, L Jasper	$1,150,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3321, Filed, Apr. 27, 1949; 8:49 a. m.]

[Administrative Order 1978]

LOAN ANNOUNCEMENT

APRIL 4, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 89 L Houston	$450,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3322; Filed, Apr. 27, 1949; 8:49 a. m.]

[Administrative Order 1979]

LOAN ANNOUNCEMENT

APRIL 6, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 30G Colleton	$105,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3323; Filed, Apr. 27, 1949; 8:49 a. m.]

[Administrative Order 1980]

LOAN ANNOUNCEMENT

APRIL 6, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 16K Monona	$285,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3324; Filed, Apr. 27, 1949; 8:49 a. m.]

[Administrative Order 1981]

LOAN ANNOUNCEMENT

APRIL 6, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 41D Wilson	$325,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3325; Filed, Apr. 27, 1949; 8:49 a. m.]

[Administrative Order 1982]

LOAN ANNOUNCEMENT

APRIL 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Maine 16A Swan's Island	$126,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3326; Filed, Apr. 27, 1949; 8:49 a. m.]

[Administrative Order 1983]

LOAN ANNOUNCEMENT

APRIL 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 17D Sierra	$175,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3327; Filed, Apr. 27, 1949; 8:49 a. m.]

[Administrative Order 1984]

LOAN ANNOUNCEMENT

APRIL 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 7P Grant	$205,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3328; Filed, Apr. 27, 1949; 8:49 a. m.]

[Administrative Order 1985]

LOAN ANNOUNCEMENT

APRIL 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 12K St. Louis	$1,185,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3329; Filed, Apr. 27, 1949; 8:50 a. m.]

[Administrative Order 1986]

LOAN ANNOUNCEMENT

APRIL 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 66P Taylor	$880,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3330; Filed, Apr. 27, 1949; 8:50 a. m.]

[Administrative Order No. 1987]

LOAN ANNOUNCEMENT

APRIL 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 50N Grayson	$245,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3331; Filed, Apr. 27, 1949; 8:50 a. m.]

[Administrative Order 1988]

LOAN ANNOUNCEMENT

APRIL 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 4S Polk District Public	$80.000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3332; Filed, Apr. 27, 1949; 8:50 a. m.]

[Administrative Order 1989]

LOAN ANNOUNCEMENT

APRIL 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 87D Webster	$463,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3333; Filed, Apr. 27, 1949; 8:50 a. m.]

[Administrative Order 1990]

LOAN ANNOUNCEMENT

APRIL 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 39S Jackson	$425,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3334; Filed, Apr. 27, 1949; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. DI-177]

NEW YORK POWER AND LIGHT CORP.

NOTICE OF OPINION NO. 172 AND FINDINGS AND ORDER

APRIL 22, 1949.

Notice is hereby given that, on April 18, 1949, the Federal Power Commission issued its Opinion No. 172 and findings and order entered December 20, 1948, in the above-designated matter, requiring that the New York Power and Light Corporation shall not commence construction of any hydroelectric power development on the Sacandaga River, New York, until it shall have applied for and accepted a license under the provisions of the Federal Power Act and the rules and regulations of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3299; Filed, Apr. 27, 1949; 8:45 a. m.]

[Docket No. G-1178]

SOUTHERN UNION GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 22, 1949.

Notice is hereby given that, on April 21, 1949, the Federal Power Commission issued its findings and order entered April 20, 1949, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3300; Filed, Apr. 27, 1949; 8:45 a. m.]

[Docket No. G-1193]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

APRIL 21, 1949.

Notice is hereby given that on April 8, 1949, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation, with its principal place of business in Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas pipe line facilities:

(1) Approximately 72.1 miles of 20-inch pipe line extending from a gasoline extraction plant, owned by Arkansas Fuel Oil Company, in the Waskom field, Harrison County, Texas, to a gasoline extraction and desulphurization plant owned by Arkansas Fuel Oil Company, in Columbia County, Arkansas (Columbia Plant), including submarine river crossings, meters, regulators, appurtenant equipment, and connections with Applicant's presently existing line CM-3, in Bossier Parish, lines C-1-G and CM-2, in Caddo Parish, and lines R and F, near Blanchard, Caddo Parish, Louisiana.

(2) Approximately 90.8 miles of 20-inch pipe line extending from the Columbia Plant to Applicant's regulator station at Perla, Hot Spring County, Arkansas, looping Applicant's presently existing lines L and A from the Columbia Plant to Perla, including submarine and aerial river crossings, meters, regulators, appurtenant equipment, and connections with lines L and A, at the Columbia Plant and at Perla.

(3) Operation for the interstate transmission of natural gas of Applicant's existing line LT-1, consisting of approximately 13 miles of 12¾-inch pipe line extending from a gasoline extraction plant in the McKamie gas field, Lafayette County, Arkansas, to the southern terminus of Applicant's line L.

Applicant requests permission and approval, pursuant to section 7 (b) of the Natural Gas Act, to abandon and remove approximately 8.53 miles of 14-inch pipe line and 3.08 miles of 4½-inch pipe line from Applicant's presently existing line G, beginning at a point in Township 21 North, Range 14 West, Caddo Parish, Louisiana, extending to the community of Plain Dealing, Louisiana, and to discontinue service to 10 rural customers.

Applicant recites that the increased requirements of natural gas on its system will be in the order of 165,000 Mcf per day. Applicant states that the above proposed facilities will allow for increased deliveries of natural gas from the Waskom field, Texas, where Applicant states it owns or controls substantial gas reserves.

Applicant represents that at the proposed operating pressures, the proposed Waskom-Columbia line will have a designed capacity of 200,000 Mcf per day, and the proposed Columbia-Perla line will have a designed capacity of 140,000 Mcf per day.

The over-all capital cost of the proposed facilities is estimated by Applicant at approximately $8,000,000. Applicant recites that if the proposed divestment plan of Arkansas Natural Gas Corporation, parent of Applicant, is approved by the Securities and Exchange Commission, whereby Applicant's gas distribution properties would be sold, a portion of the proceeds from such a sale would be available to Applicant for financing the proposed construction.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the coopera-

tive provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such a request.

The application of Arkansas Louisiana Gas Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3301; Filed, Apr. 27, 1949; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-26]

KINGS COUNTY LIGHTING CO.

ORDER EXTENDING PERIOD OF EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of April A. D. 1949.

The New York Curb Exchange having admitted the 4% Cumulative Preferred Stock, Par Value $50, and the Common Stock, Without Par Value, of Kings County Lighting Company to trading under the temporary exemption afforded by Rule X-12A-5;

The Commission having been informed that the issuer is considering the registering and listing of said securities on a national securities exchange;

The Commission on February 21, 1949 having extended the period of exemption of said securities from the requirements of section 12 (a) of the Securities Exchange Act of 1934 until the close of business on April 22, 1949;

It appearing to the Commission that under the circumstances the extension of time that has been provided is insufficient to accomplish the purpose of the rule;

The Commission now deeming it appropriate in the public interest and for the protection of investors that the period of exemption of said securities on the New York Curb Exchange be further extended;

It is ordered, That the period of exemption of said securities from the requirements of section 12 (a) on the New York Curb Exchange be, and it hereby is, further extended, pursuant to paragraph (c) of Rule X-12A-5, until the close of business on June 24, 1949, or until further order of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-3305; Filed, Apr. 27, 1949; 8:46 a. m.]

[File No. 31-562]

INDIANA GAS & CHEMICAL CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of April A. D. 1949.

Notice is hereby given that an application and an amendment thereto have been filed with the Commission by Indiana Gas & Chemical Corporation ("Indiana Gas") pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of the act otherwise applicable to it as a holding company.

Notice is further given that any interested person may, not later than May 6, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on the matter, stating the reasons for his request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as amended, may be granted.

All interested persons are referred to said application, as amended, which is on file in the offices of this Commission, for a statement of allegations therein contained which are summarized as follows:

Indiana Gas operates a by-product coke plant at Terre Haute, Indiana, for the manufacture and sale of coke, gas, tar, ammonia, and light oils derived from the carbonization and distillation of coal. The company owns all of the outstanding capital stock of Terre Haute Gas Corporation, as gas utility company principally engaged in the business of distributing manufactured gas in the cities of Terre Haute, Clinton, and Brazil, Indiana, with incidental retail sales of gas appliances.

The application, as amended, recites that Indiana Gas and Terre Haute Gas Corporation, its sole public-utility subsidiary, are predominantly intra-state in character and carry on their business entirely within the State of Indiana, in which state both such companies are organized.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-3304; Filed, Apr. 27, 1949; 8:46 a. m.]

[File No. 70-2085]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of April A. D. 1949.

Notice is hereby given that Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 thereof as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Appalachian proposes to establish a line of credit in the amount of $18,000,000 with the following named banks:

Irving Trust Co., New York, N. Y.
Guaranty Trust Co. of New York, New York, N. Y.
Bankers Trust Co., New York, N. Y.
Mellon National Bank & Trust Co., Pittsburgh, Pa.

Pursuant to the line of credit, Appalachian proposes to borrow from said banks, from time to time, prior to May 1, 1950, sums not to exceed in the aggregate the amount of $18,000,000, such loans as are made to be equally divided among the named banks, and to be evidenced by notes to be issued by Appalachian dated as of the date of the borrowings and maturing on May 1, 1950.

The application-declaration states that an initial borrowing of $4,000,000 is contemplated on or about May 3, 1949, which will be evidenced by notes maturing May 1, 1950, bearing interest at the rate of 2¼% per annum.

It is further stated that subsequent borrowings will be made at thirty or sixty day intervals after May 3, 1949, in the amounts of $2,000,000 or $4,000,000 respectively, depending upon Appalachian's cash requirements. Such borrowings will bear interest from the respective dates thereof at the then current prime credit rate, but in no event is the interest rate to exceed 2¼% per annum.

Appalachian may prepay the notes from time to time, in whole or in part, without premium. Any such partial payments are to be made ratably on all notes then outstanding.

At least ten days prior to each borrowing, subsequent to the initial borrowing, Appalachian will file an amendment setting forth the amount of such borrowing and the annual rate of interest thereon. It is proposed that each such amendment will become effective ten days after the filing thereof if no action is taken with respect thereto by the Commission within such ten-day period.

The application-declaration states that the proposed loans are designed to provide cash to meet Appalachian's construction program which is estimated as calling for the expenditure of approximately $68,000,000 during the years 1949 and 1950. Any plan for financing of a permanent nature will provide for the prepayment of the then outstanding notes.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration and

that said application-declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission; and

It appearing to the Commission that in order properly to pass upon said application-declaration it is appropriate to inquire into the permanent financing plans of Appalachian and of American Gas, and that for this purpose it is appropriate that American Gas be made a party to these proceedings:

It is ordered, That American Gas be and hereby is made a party respondent in this proceeding;

It is further ordered, That a hearing on said application-declaration and on matters related thereto, as hereinbefore and hereinafter referred to, pursuant to the applicable provisions of the act and the rules of the Commission, be held on May 4, 1949, at 10:00 a. m., e. d. s. t., at the office of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the Hearing Room Clerk in Room 101 will advise as to the room in which such hearing is to be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before May 2, 1949, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the application-declaration and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed bank loan agreement is consistent with the public interest and the interests of investors and consumers and with the applicable requirements of the act and rules thereunder, particularly sections 6 (a) and 7.

2. The steps proposed to be taken by Appalachian towards repayment of the notes here proposed and the appropriateness of such measures under the applicable standards of the act.

3. The nature and extent of Appalachian's construction program and the plans it has made for the permanent financing of that program.

4. The nature and extent of the financing program of American Gas and its subsidiaries, with particular emphasis upon the extent to which American Gas proposes to supply equity capital to its subsidiaries in connection with the financing of their construction programs and the possible sources of such funds.

5. Generally, whether American Gas has devised a program for the financing of its subsidiaries designed to maintain balanced capital structures with proper amounts of equity capital.

6. Whether any terms and conditions should be imposed in the public interest or for the protection of investors and consumers either with respect to American Gas in connection with the furnishing of equity capital to its subsidiaries, or with respect to Appalachian concerning the refunding or repayment of the loans here proposed.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to the applicant-declarant herein, to American Gas and Electric Company, to the Public Utilities Commission of the State of Ohio, the West Virginia Public Service Commission, the State Corporation Commission of Virginia, the Railroad and Public Utilities Commission of Tennessee, the Michigan Public Service Commission, the Public Service Commission of Indiana, and the Public Service Commission of Kentucky, and to the Federal Power Commission, and that further notice be given all other persons by publication of this notice and order in the FEDERAL REGISTER and general release of this notice and order distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-3308; Filed, Apr. 27, 1949; 8:46 a. m.]

[File No. 70-2089]

HARRISBURG GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of April 1949.

The Harrisburg Gas Company ("Harrisburg"), a public utility subsidiary of the United Gas Improvement Company, a registered holding company, having filed a declaration, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the following transaction:

Harrisburg proposes to issue and sell to the Penn Mutual Life Insurance Company $1,000,000 principal amount of first mortgage bonds of 3⅛% series due 1971 at a price of 99½% of the principal amount. The proceeds from the sale of the bonds will be used to repay certain notes and open account indebtedness and to finance Harrisburg's construction program during 1949. The proposed issuance and sale of bonds by Harrisburg has been approved by the Pennsylvania Public Utility Commission.

Said declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-3307; Filed, Apr. 27, 1949; 8:46 a. m.]

[File No. 70-2108]

COLUMBIA GAS SYSTEM, INC., AND CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of April 1949.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the Columbia Gas System, Inc., ("Columbia"), a registered holding company, and its subsidiary, Central Kentucky Natural Gas Company ("Central Kentucky"). Applicants-declarants have designated sections 6, 7, 9, 10 and 12 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than May 2, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 2, 1949, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Central Kentucky proposes to issue and sell to Columbia up to $2,350,000

principal amount of 3¼% Installment Promissory Notes not later than December 31, 1949. Such notes are to be unsecured and are to be paid in equal annual installments on February 15 of each of the years 1952 to 1976, inclusive. It is stated that the proceeds to be obtained through the issue and sale of the notes will be utilized by Central Kentucky (i) to restore its working capital which has been depleted by prior construction requirements and (ii) in connection with its construction program for the year 1949, which program, it is estimated, will require approximately $2,081,000 of financing.

The application-declaration states that the proposed transaction is not subject to the jurisdiction of any other regulatory body.

Applicants-declarants have requested that the Commission's order granting and permitting the joint application-declaration to become effective to be issued as soon as possible and that it become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-3306; Filed, Apr. 27, 1949; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order CE-468]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN BURLINGTON COUNTY, N. J., COURT

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on April 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Floare Gavrila	Rumania	Estate of Lui Halas, a/k/a Vasile and Luis Halas, deceased, in Orphans' Court of Burlington County, State of New Jersey.	$91.00

[F. R. Doc. 49-3275; Filed, Apr. 26, 1949; 8:50 a. m.]

[Vesting Order 13161]

MARIA HELM

In re: Interest in real property and a claim owned by Maria Helm, nee Haider.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Helm, nee Haider, whose last known address is Bad Mergentheim, Wuerttemberg, Maurus-Weberstrasse 42, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half interest in real property, situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. That certain debt or other obligation owing to the person named in subparagraph 1 hereof by Raspin, Espenshade & Heins, 1606-1612 Lincoln-Liberty Building, Broad and Chestnut Streets, Philadelphia 7, Pennsylvania, arising out of rents collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

All that certain lot or piece of ground with the buildings and improvements thereon erected.

Situate on the East side of Etting Street at the distance of Twenty-seven feet Northward from the North side of Flora Street (twelve feet wide laid out at the distance of Eighty-five feet four and three-quarters inches Northward from the North side of Girard Avenue and parallel with Poplar Street) in the Twenty-ninth Ward of the City of Philadelphia.

Containing in front or breadth on said Etting Street Thirteen feet Six inches and extending of that width in length or depth Eastward between parallel lines at right angles to said Etting Street thirty-seven feet to a certain three feet wide alley laid out by George W. Showaker parallel with said Twenty-seventh Street between Flora Street and Stiles Street for the use of this lot and the other lots bounding thereon.

Bounded Northward and Southward by ground now or late of George W. Showaker Eastward by said Three feet wide alley and Westward by Etting Street (Being No. 1205 Etting Street).

Together with all and singular the buildings, improvements, ways, streets, alleys, passages, waters, water courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever unto the premises belonging or in anywise appertaining.

Being the same property that was conveyed to Andreas Reininger and Maria Reininger, his wife, by Howard M. Kain and Elvira B. Kain, his wife, by deed executed July 18, 1919, and recorded July 19, 1919, in the Office of the Recorder of Deeds of the City and County of Philadelphia, Pennsylvania, in Deed Book JMH No. 595, Page 136.

[F. R. Doc. 49-3273; Filed, April 26, 1949; 8:50 a. m.]

[Vesting Order CE-467]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN COOK COUNTY, ILL., COURT

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on April 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Sophia Grusauskas	Germany	Alexander Baltutis et al. vs. Pauline Baltutis and others, Superior Court, Cook County, Ill.	$2,241.27	Denis E. Sullivan, Jr., Master in Chancery, Chicago, Ill.	$115.00

[F. R. Doc. 49-3274; Filed, Apr. 26, 1949; 8:50 a. m.]

[Vesting Order 13081]

ROSIE HUTZLER MULLER AND ALFRED LEVINGER

In re: Trust agreement dated August 7, 1936, between Rosie Hutzler Muller, grantor, and Alfred Levinger, trustee and amendment thereto dated June 3, 1940. File No. D-28-10587-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Juergen J. V. Muller (Mueller), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the widow and issue, names unknown, of Juergen J. V. Muller (Mueller), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated August 7, 1936, by and between Rosie Hutzler Muller, grantor, and Alfred Levinger, trustee and amendment thereto dated June 3, 1940, presently being administered by Alfred Levinger, trustee, 9 Paddington Road, Scarsdale, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the widow and issue, names unknown, of Juergen J. V. Muller (Mueller), are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary, in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3342; Filed, Apr. 27, 1949; 8:54 a. m.]

[Vesting Order 13158]

MIYO UYENO

In re: Rights of Miyo Uyeno under insurance contract. File No. F-39-5810-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miyo Uyeno, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

That the net proceeds due or to become due under a contract of insurance evidenced by policy No. CS-70213, issued by the California-Western States Life Insurance Company, Sacramento, California, to Kusugoro Uyeno, together with the rigth to demand, receive and collect said net proceeds.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3272; Filed, Apr. 26, 1949; 8:49 a. m.]